Docket Number
70404.111/ha

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Megumi ITOH et al. Application No.: 10/598,110 Confirmation No.: 1135 Filed: August 17, 2006 Title: INSTRUMENT PANEL IMAGE DISPLAY DEVICE, INSTRUMENT PANEL IMAGE CHANGING METHOD, VEHICLE, SERVER, INSTRUMENT PANEL IMAGE CHANGING SYSTEM, INSTRUMENT PANEL IMAGE DISPLAY PROGRAM, COMPUTER-READABLE STORAGE MEDIUM STORING INSTRUMENT PANEL IMAGE DISPLAY PROGRAM	Art Unit: 2629 Examiner: I. Spar

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 7, 2009 and the Advisory Action dated March 17, 2010, please consider Applicant's arguments and remarks concerning the rejection issued in the Office Action dated December 7, 2009.

Claims 22, 23, 27-29, 36-39, and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yahara et al. (JP 10-297318). Claims 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna (JP 11-099852). Claims 30-32, 34, 35, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. (U.S. 7,474,309) and further in view of Ui (JP 2000-292198). Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui, and further in view of Hirasuna.

Applicant respectfully traverses the rejections of claims 22-41.

Claim 22 recites, in part:

> a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images ... ; and
>
> an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image.

Applicant's claim 39 recites features and method steps that are similar to the features recited in Applicant's claim 22, including the above features.

In the first paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner alleged, "[A]s explained in paragraph 41, the HUD image can display simultaneously both a temperature gauge and a speed gauge, as shown in drawing 14." The Examiner further alleged, "[T]he claim only specifies that a plurality of gauge images are shown on a display, which is taught by Yahara et al." Applicant respectfully disagrees.

Paragraph [0040] of Yahara et al. states, "Instrument panel meter PC22 is provided with several different HUD image data, and a user operates the operation switch group 8 and it determines, for example which HUD image data is used. The 2nd HUD image data that displays the HUD picture 82 shown in the 1st HUD image data and drawing 14 that display the HUD picture 75 shown in drawing 10 as HUD image data, for example is prepared." Thus, Yahara et al. clearly teaches that each HUD image is displayed in accordance with a specific independent piece of HUD image data. In other words, Yahara et al. does not teach that a single HUD image is displayed using both (1) image data indicative of the image on the left side of Fig. 14 (speed gauge) and (2) other image data indicative of the image on the right side of Fig. 14 ("Steering SW") in the manner as alleged by the Examiner because the left and right side HUDs of Yahara et al. are independently generated.

Applicant's claim 22 presently recites a different arrangement in which a single panel image that displays a plurality of gauge images that are driven by a plurality of independently provided internal and external information. Yahara et al. does not teach or suggest such an

arrangement. Thus, Yahara et al. clearly does not teach or suggest the feature of "a display arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image being displayed in accordance with a plurality of image data which generates the plurality of gauge images" as recited in Applicant's claim 22.

In the first paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner also alleged, "Yahara et al. teaches that when a user actuates a button to change the temperature, for example, this change is indicated on the display, which inherently means that the display data has been changed." Applicant respectfully disagrees.

As discussed above, paragraph [0040] of Yahara et al., teaches that each of the HUD images illustrated in Figs. 10 and 14 are displayed in accordance with one independent piece of HUD image data. Therefore, Yahara et al. merely teaches that one piece of HUD image data is replaced with another one piece of HUD image data. However, none of the HUD image data of Yahara et al. is changed in this operation. For example, according to Yahara et al., it is impossible to replace a piece of image data indicative of only the speed gauge in the HUD image with another piece of image data indicative of another speed gauge so that an image of the speed gauge is changed.

Thus, Yahara et al. clearly does not teach or suggest the feature of "an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image" as recited in Applicant's claim 22.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection of claim 22 as being anticipated by Yahara et al.

Claim 30 recites, in part:

> a display arranged to display the instrument panel image including a gauge image ... and a background image ... in accordance with image data that generates said gauge image and image data that generates the background image; and

an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image.

Applicant's claim 40 recites features and method steps that are similar to the features recited in Applicant's claim 30, including the above features.

In the second paragraph of the Continuation Sheet of the Advisory Action dated March 17, 2010, the Examiner alleged that Kolpasky et al. teaches that "portions of the display between the gauge images can be changed to indicate information to the user (see column 4, lines 52-57). It is therefore clearly taught by Kolpasky that the background image can be modified." Applicant respectfully disagrees.

Kolpasky et al. merely teaches that a visible state (i.e. color) of a displayed image is changed. Kolpasky et al. does not teach or suggest anything at all about underlying data that is used to generate the background image being changed in any way, nor does Kolpasky et al. teach or suggest any data processing procedures used to change the state of the displayed background image of Kolpasky et al. Additionally, Kolpasky et al. does not teach or suggest that an instrument panel image containing gauge images and a background image is displayed in accordance with individual image data that is specifically indicative of individual gauge images and other individual image data indicative of the background image. Finally, Kolpasky et al. fails to teach or suggest the technical idea of carrying out a process for changing the image data indicative of a background image to another image data.

Thus, Kolpasky et al. clearly does not teach or suggest the features of "a display arranged to display the instrument panel image including a gauge image ... and a background image ... in accordance with image data that generates said gauge image and image data that generates the background image" and "an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image" as recited in Applicant's claim 30.

Applicant further submits that Yahara et al. and Ui also fail to teach or suggest the features of "a display arranged to display the instrument panel image including a gauge image

... and a background image ... in accordance with image data that generates said gauge image and image data that generates the background image" and "an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image" as recited in Applicant's claim 30, and thus do not cure the deficiencies of Kolpasky et al. described above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 30 as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 22 and 30 are allowable. Claims 23-29 and 31-41 depend upon claims 22 and 30 and are therefore allowable for at least the reasons that claims 22 and 30 are allowable.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: May 5, 2010

/Erik Preston #64,733/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368

Erik Preston
Registration No. 64,733